"(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions."

Authorization to proceed with the Whitestone Coulee unit would be most timely. The unit has a very high benefit-to-cost ratio and will produce substantial benefits in a community that is undergoing serious economic hardship.

A statement of personnel and other requirements that enactment of this legislation would entail is enclosed in accordance with the provisions of Public Law 801, 84th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed report from the standpoint of the administration's program, subject to possible supplementary advice from the Bureau of the Budget when views of the Department of Commerce on the proposed amendments to the bill dealing with area redevelopment are received.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

Whitestone Coulee unit Okanogan-Similkameen division, Chief Joseph Dam project

[Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs, as required by Public Law 801, 84th Cong.]

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Administrative services: Clerical	None	1	1	1	None
Substantive (program): Engineering aids and technicians	None	3	3	3	None
Total estimated additional man-years of civilian employment	None	3.25	4	2.75	None
Estimated expenditures:					
Personal services	(1)	$154,200	$194,465	$144,097	$10,942
All other	(1)	1,089,780	2,278,535	1,078,903	3,458
Total estimated expenditures	$197,000	1,235,000	2,473,000	1,223,000	14,400

[1] General investigation expenses.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to concur in the House amendment.

The motion was agreed to.

CROOKED RIVER FEDERAL RECLAMATION PROJECT

Mr. NELSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate bill 1186.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1186) to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands, which was, to strike out all after the enacting clause and insert:

That the first section of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon", approved August 6, 1956 (70 Stat. 1058), as amended, is amended by inserting immediately before the period at the end of the first sentence of such section the following: "and the Crooked River project extension, together referred to hereafter as the project. The principal new works for the project extension shall include six pumping plants, canals, and related distribution and drainage facilities".

SEC. 2. There are hereby authorized to be appropriated for construction of the new works involved in the Crooked River project extension $1,132,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said extension.

SEC. 3. Supplemental power and energy required for irrigation water pumping for the project shall be made available by the Secretary of the Interior from the Federal Columbia River power system at charges determined by him.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

The motion was agreed to.

The PRESIDING OFFICER. Is there further morning business?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DOUGLAS. Mr. President, Mr. Arthur J. Freund, of St. Louis Mo., is one of the most prominent attorneys in the Middle West. He was one of the first to call attention to the actions taken at a meeting sponsored by the Council of State Governments in Chicago in the fall of 1962. That meeting of the so-called assembly of the States started the movement which has now come to fruition in the Dirksen-Mansfield amendment.

The council proposed to the State legislatures three application for constitutional amendments, one of which would have denied any authority to the U.S. Supreme Court to order reapportionment of State legislatures.

That amendment application has been approved by 13 State legislatures to date. It is not quite certain what its constitutional status is as compared with the amendment which the Senator from Illinois [Mr. DIRKSEN] will offer in the Congress if the present Dirksen-Mansfield amendment to the foreign aid bill is adopted.

The present Dirksen-Mansfield amendment would anesthetize for a period of time—the precise duration of which is uncertain—any present or future action of the Supreme Court in ordering reapportionment, and would freeze the State legislatures, with the possible exception of two or three, in their present malapportioned form.

My colleague was completely frank in saying that it is his intention, when Congress reconvenes in January, to introduce a constitutional amendment which would establish a permanent prohibition against any order of the Supreme Court providing for reapportionment.

If the present effort is successful in the House and the Senate—and particularly if the cloture motion is approved on Thursday by a two-thirds vote—I think we can be certain that, unless there are appreciable changes in the composition of the Congress by January, such an amendment would go through Congress and that the present malapportioned State legislatures would then undoubtedly ratify it. That is what is at stake in this whole issue.

It is a very grave issue.

Mr. Freund, some weeks ago, wrote me a very detailed letter before the full tactics in connection with the Dirksen-Mansfield amendment were revealed.

I ask unanimous consent that this letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARTHUR J. FREUND,
ATTORNEY AT LAW,
7 NORTH SEVENTH STREET,
ST. LOUIS, MO., *July 30, 1964.*

Re proposals to amend the U.S. Constitution relating to apportionment in State legislatures.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: In utmost earnestness I write you regarding the current proposals to amend the Constitution of the United States so as to deprive the Federal courts of jurisdiction in causes having to do with the malapportionment of State legislatures.

You are aware that I was one of those who early advocated opposition to the three proposals of the Council of State Governments to amend the Constitution. One of the Council's proposals was designed to nullify the decision of the Supreme Court of the United States in *Baker* v. *Carr,* (1962) 369 U.S. 186, relating to the malapportionment of a State legislature, and it is one of a number of proposals on this subject now before the Congress. S.J. Res. 181, introduced by Senator STENNIS on July 8, 1964, and S.J. Res. 185, introduced by Senator DIRKSEN on July 23, 1964, are also typical of proposals directed to the same ultimate end. The proposals to amend the Constitution and dilute the judicial process generated by *Baker* v. *Carr* have been multiplied as a result of the more recent decisions of the Supreme Court requiring equal population representation in both houses of State legislatures where the bicameral system prevails, delivered on June 15, 1964. In *Reynolds* v. *Sims,* —— U.S. ——, 12 L. ed. 2d 506, the Court held that the malapportionment of the Alabama Legislature was in contravention of the equal protection clause of the Constitution. This was followed on the same day by comparable holdings with respect to the legislature in New York (*WMCA* v. *Lomenzo,* —— U.S. ——, 12 L. ed. 2d 568); in Maryland (*Maryland Committee* v. *Tawes,* —— U.S. ——, 12 L. ed. 2d

595); in Virginia (*Davis* v. *Mann,* —— U.S. ——, 12 L. ed. 2d 609); in Delaware (*Roman* v. *Sincock,* —— U.S. ——, 12 L. ed. 2d 620); and in Colorado (*Lucas* v. *Colorado General Assembly,* —— U.S. ——, L. ed. 2d 632). On June 22, 1964, the Court delivered like opinions affecting the State of Washington, (*Meyers* v. *Thigpen,* —— U.S. ——, 12 L. ed. 2d 1024) and Oklahoma (*Williams* v. *Moss,* —— U.S. ——, 12 L. ed. 2d. 1026).

The essence of the opinions in these cases, as it was in *Baker* v. *Carr,* is stated by the Chief Justice in *Reynolds* v. *Sims,* supra, at 12 L. ed. 2d 506, 527 l.c.:

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our [State] legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.

"We conclude that the equal protection clause guarantees the opportunity for equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race * * *, or economic status * * *. (12 L. ed. 2d 529, 530 l.c.)"

The proposals now before Congress in both Houses of the Congress to amend the Constitution to reverse the effect of these decisions take a variety of the forms, but they proceed from the same approach as does the proposal of the Council of State Governments which would amend the Constitution to provide: "The judicial power to the United States shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a State legislature."

This specific proposal has been disapproved by the American Bar Association, the Missouri Bar, the Bar Association of St. Louis, the Bar Association of St. Louis County, the Madison County (Ill.) Bar Association, the Bar Association of Kansas City, Mo., the Association of the Bar of the City of New York, the Essex County (N.J.) Bar Association, the Philadelphia Bar Association, as well as by a large number of other National, State, and local bar groups from one end of the country to the other.

The proposals now before Congress on this subject would withdraw from Federal constitutional protection the equal and effective exercise of political rights which are fundamental and essential to a true representative democracy. They would, if any of them should be ultimately adopted, constitute the first diminution in our history of any Federal guarantee of liberty, justice or equality. More specifically, the equal protection clause has up to now been left, as it came into the Constitution, entirely universal and unqualified; "equal protection of the laws," not as to some matters, but as to all. To begin diluting any of our constitutional guarantees, to begin introducing exceptions into the concept of equality under law are alarming and portentous steps. It is ironical that the likelihood that some of the flagrant present abuses in State apportionment may be eliminated by Federal judicial action should be the stimulus for an assault upon one of the most cherished of all the constitutional safeguards of our civil liberties.

Moreover, any diminution or exclusion of Federal judicial power in this area would reach far beyond the equal protection clause and could have consequences not foreseen or even desired by many of those persons who support such proposals. For example, if the proposal of the Council of State Governments or the proposal of Congressman WILLIAMS M. MCCULLOUGH, or the proposal of Senator STENNIS, or that of Senator DIRKSEN were adopted, any State which used apportionment as a guise for practicing the most extreme forms of racial, economic or other invidious discrimination would be completely insulated from any effective restraint. By the same token even the Congress would be rendered almost powerless to implement the purpose of the 15th amendment, since any meaningful legislation would require judicial enforcement of the very kind that would be eliminated by the plan proposed. It is fair to say that the adoption of such a proposal would operate not only as a sanction, but as an invitation for legislatures so disposed to evolve apportionment schemes with the most opprobrious consequences for any system of representative government. It is not unreasonable to suggest that a State government which would profit from any arrangement to perpetuate itself in power would not be inclined to change that arrangement if it were immunized from any judicial intervention.

These considerations and others raise questions of the gravest import; they are considerations basic to the political and constitutional continuation of our present form of government. They should have the most careful scrutiny by both Houses of the Congress and by its committees charged with responsibility in this vital area. Before any final conclusion is reached by Congress there should be an intensive national debate concerning the objectives sought by the proponents of such proposals since their aims affect every citizen in every State of the Union.

Such a debate—and adequate time and preparation for it—must be had so that there may be informed and national molding of sentiment on proposals of such paramount significance. Only in that orderly way, the typical American way, can a sound and mature conclusion be reached by our people who, in the last analysis, must make the decision.

It is my hope that the most careful consideration of these proposals will be given by the Committee on the Judiciary of the Senate, as well as the House. These proposals involve the basic postulates of the American constitutional system of government and your committee could have no greater responsibility or duty than to protect and defend the Constitution.

I urge you to give your utmost consideration to this subject; to encourage a most comprehensive study and discussion by the bar and press, as well as all other informed sources, upon the effect of any of the proposals on the operation and the maintenance of our constitutional form of government. Sober, thoughtful, and informed consideration rather than speed should, in my view, govern the deliberations of Congress in one of the most important constitutional crises to arise in our time.

Respectfully,

ARTHUR J. FREUND.

Mr. DOUGLAS. Mr. Freund writes that:

The proposals now before Congress on this subject would withdraw from Federal constitutional protection the equal and effective exercise of political rights which are fundamental and essential to a true representative democracy. They would, if any of them should be ultimately adopted, constitute the first diminution in our history of any Federal guarantee of liberty, justice or equality. More specifically, the equal protection clause—

Which, as we know, is in the 14th amendment—

has up to now been left, as it came into the Constitution, entirely universal and unqualified; "equal protection of the laws," not as to some matters, but as to all. To begin diluting any of our constitutional guarantees, to begin introducing exceptions into the concept of equality under law are alarming and portentous steps. It is ironical that the likelihood that some of the flagrant present abuses in State apportionment may be eliminated by Federal judicial action should be the stimulus for an assault upon one of the most cherished of all the constitutional safeguards of our civil liberties.

Mr. President, to cite only 1 or 2 examples of grossly unfair representation from among the thousands which exist, 14,000 people in 1 senatorial district in California have the same representation in the California Senate as the more than 6 million people in Los Angeles County.

A hamlet of 36 people in Vermont has the same representation in the lower house in Vermont as a city of 38,000.

There is gross malapportionment in Tennessee and in Alabama, which the Supreme Court sought to correct.

There is gross malapportionment in New Jersey, Maryland, and New York. There is appreciable malapportionment in my State of Illinois.

We can call the roll of State after State in which the metropolitan population has increased over the recent years by a third or approximately two-thirds without any adjustments to accord fair representation.

I see in the Chamber the distinguished Senator from Florida [Mr. HOLLAND]. The latest figures I have been able to obtain from the State of Florida indicate that 15 percent of the population of Florida elects a majority in both the Florida Senate and the Florida House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Then I shall take my seat and continue at another time.

AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1460, H.R. 12259.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12259) to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments on page 2, line 1, after the word "Cuba", to insert "which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or"; in line 13, after the word "States.", to insert "This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims."; on page 3, line 20, after the word "Cuba", to insert "arising out of debts for merchandise fur-